

APPROVED JUNE 4, 2015

The regular meeting of the Douglas County Board of Commissioners was held on May 7, 2015 in the Douglas County Commissioner Meeting Room of the Douglas County Administration Building, 1616-8th Street, Minden, Nevada, beginning at 1:00 p.m.

COMMISSIONERS PRESENT: Doug N. Johnson, Chairman; Nancy McDermid, Vice Chairwoman; Greg Lynn, Commissioner; Barry Penzel, Commissioner and Steve Thaler, Commissioner.

STAFF PRESENT: Jim Nichols, County Manager; Doug Ritchie, Chief Civil Deputy District Attorney; Cynthia Gregory, Deputy District Attorney; Kathy Lewis, Clerk-Treasurer; Chief David Fogerson, EFFD; Mimi Moss, Community Development Director; Hope Sullivan, Planning Manager; Scott Morgan, Community Services Director; Bobbi Thompson, Airport Manager; and Laure Penny, Clerk to the Board.

INVOCATION

The Invocation was led by Pastor Jim Beilstein of Trinity Lutheran Church.

PLEDGE OF ALLEGIANCE

Doug Ritchie led the Pledge of Allegiance

PUBLIC COMMENT (No Action)

Michelle Kozlowski commented on domestic violence related head injuries. She feels head injuries are not being addressed properly at the judicial level. She stated she is not being allowed to present a Statement Form to the Douglas County Sheriff's office and that she has filed a Request for Reasonable Accommodations with the court.

Lynn Muzzy commented he hoped the Board wasn't gaging the communities' receptivity to the connectivity plan and the attending funding mechanism by whom and how many testify about it. Most people can't come down on a week day afternoon to give their opinions nor should they have to. The people put the Commissioners in office to represent their interests not special interests. The proposed taxes and fees to cover the debt for the project fall disproportionately on small businesses owners; working class families; one parent households and retirees on fixed incomes. Mr. Muzzy believes the revenue estimates from each of these fees was wildly optimistic and nobody has been able to say how much of a return the County fee payers will realize.

Carlo Luri, representing Bently Enterprises, provided a quick update to the Board on the progress of the Bently Heritage Project. He also stated that Bently was hosting an open house at the Farmer's Bank Building on May 12, 2015.

Public comment closed.

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APPROVAL OF AGENDA

For possible action. Approval of proposed agenda.

Chairman Johnson stated Items 8 and 9 are pulled from the agenda indefinitely.

MOTION by Lynn/Penzel to approve the agenda with Items 8 & 9 being pulled indefinitely; carried unanimously.

APPROVAL OF PREVIOUS MINUTES

For possible action. Approval of the Board Minutes of:

MOTION by Penzel/McDermid to approve the Minutes for March 23, 2015 – Special Meeting; March 24, 2015 – Special Meeting and April 2, 2015 – Regular Meeting; carried unanimously, Lynn abstained.

DOUGLAS COUNTY AWARD PRESENTATIONS

1. Ceremonial presentation of Proclamation 2015P-031 designating the month of May 2015 as Nevada Wildfire Awareness Month. (Sonya Sistare)

Vice Chairwoman McDermid reads the Proclamation into the record.

Ed Smith, Cooperative Extension, thanks the Board for the Proclamation and provides a summary of the Living with Fire program. The most important person to reduce fire hazards is the homeowner. This year's promotional item is a deck of cards with tips for preparation to reduce fire threat to homes.

Steve Eisele, Deputy Fire Chief, thanked Mr. Smith and Mr. Lewis for all their hard work. Through their efforts over the years the District and the County have benefited from many great programs.

Vice Chairwoman McDermid commented she chairs the TRPA Governing Board's subcommittee to Prevent Catastrophic Wildfires. She stated this year many people who live in Tahoe did their cleanup of pine needles in April. She asked that everybody do what they can to help prevent wildfires.

CONSENT CALENDAR

MOTION by McDermid/Lynn to approve the Consent Calendar items 2a-2u.

CLERK-TREASURER

2a. For possible action. Discussion to approve receipt and filing of Cumulative Voucher Sheets for checks issued for the 03/20/2015 Payables, the

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03/20/2015 Payroll, the 03/23/2015 Payables, the 03/27/2015 Payables, the 04/03/2015 Payables, and the 04/03/2015 Payroll. (Terry Lundergreen)

MOTION to approve;

2b. For possible action. Discussion to approve an Outdoor Festival Permit submitted by the Carson Valley Inn for the Carson Valley Inn Food Truck Festival, scheduled for May 23, 2015, from Noon to 8 p.m., to be held at the Carson Valley Inn parking lot, north end, adjacent to and in TJ's Corral Event Center, 1627 Highway 395 N, Minden, Nevada. (Kathy Lewis)

MOTION to approve;

2c. For possible action. Discussion to approve an Outdoor Festival Permit submitted by Harveys Resort Hotel/Casino for an additional Outdoor Summer Concert featuring Brad Paisley, scheduled for June 11, 2015, from 7 p.m. to 11 p.m., to be held at Harveys Outdoor Amphitheatre, 18 Highway 50, Stateline, Nevada. (Kathy Lewis)

MOTION to approve;

2d. For possible action. Discussion to approve an Outdoor Festival Permit submitted by the Carson Valley Active 20-30 Club #85 for the 105th Carson Valley Days, scheduled for June 10 through 15, 2015 (Monday, June 15 for equipment breakdown), from 7 a.m. to Midnight, daily, to be held throughout Gardnerville and Minden: Lampe Park, Herbig Park, Heritage Park, Carson Valley Middle School, Douglas High School, Minden Park, and Highway 395 for the parade, Nevada. (Kathy Lewis)

MOTION to approve;

2e. For possible action. Discussion to approve an Outdoor Festival Permit submitted by Bobbie Thompson for the Annual Aviation Roundup, scheduled for August 22 & 23, 2015, from 10 a.m. to 5 p.m. to be held at the Minden-Tahoe Airport, 1146 Airport Road, Minden, Nevada. (Kathy Lewis)

MOTION to approve;

SHERIFF

2f. For possible action. Discussion on the approval of an interlocal agreement between the Douglas County Sheriff's Office and the United States Department of Agriculture (USDA) Forest Service Lake Tahoe Basin Management Unit for patrol services at Nevada Beach. (Sheriff Pierini)

MOTION to approve;

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EAST FORK BOARD OF FIRE COMMISSIONERS

2g. For possible action. Discussion to accept a Hazardous Materials Emergency Preparedness mid-cycle grant from the State of Nevada, State Emergency Response Commission in the amount of \$5,584 to send eight members from partners of the Local Emergency Planning Committee (LEPC) to the 2015 Continuing Challenge Workshop. There are no matching funds required. (David Wm. Fogerson)

MOTION to approve;

PUBLIC GUARDIAN/PUBLIC ADMINISTRATOR

2h. For possible action. Discussion on the Public Guardian's and Public Administrator's 2015 first quarter reports. (Claudette Springmeyer)

MOTION to approve;

COMMUNITY SERVICES

2i. For possible action. Discussion to accept \$35,565 from the Nevada Department of Transportation for the purchase of an American with Disabilities Act (ADA) accessible minivan for Douglas Area Rural Transportation (DART) Transportation, with a grant match of \$8,891, which has been budgeted in the Senior Services and Transportation budget. (Travis Lee)

MOTION to approve;

2j. For possible action. Discussion to approve modifications to the Douglas County Parks & Recreation Department Programs and Facilities Manual: adding language regarding Hours of Operation for reserved facilities, adding eligible events to qualify for a 50% of Basic Rate, increasing deposit requirements for multiple facilities, adjusting the rate of use for the Re/Max Grand View Dining Room, adjusting ages for community center youth pass memberships, updating procedures for declined transactions and adding a section for Personal Trainer use of the community centers. (Scott Morgan)

MOTION to approve;

SOCIAL SERVICES

2k. For possible action. Discussion on approval of an interlocal agreement between State of Nevada and Douglas County, effective July 1, 2015 to June 30, 2017, for delivery of Developmental Services for Children to Douglas County residents. (Karen Beckerbauer)

MOTION to approve;

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ASSESSOR

2l. For possible action. Discussion on the Open Space Use Application for Historical Use Assessment for parcel 1319-09-702-023 located at 2268 Main Street, Genoa based on the Nevada State Historic Preservation Office review and recognition of the property's historical contribution to the community. (Doug Sonnemann)

MOTION to approve;

DOUGLAS COUNTY LIQUOR BOARD

2m. For possible action. Discussion to approve the addition of an Entertainment Endorsement to the existing On-Site Unrestricted Retail Liquor and Restricted Gaming License for Wink's Silver Strike Lanes represented by owners James & Stacey Winklepleck. Wink's Silver Strike Lanes is located at: 1281 Kimmerling Road, Suite 8, Gardnerville, NV 89460. (Sergeant Pat Brooks)

MOTION to approve;

2n. For possible action. Discussion to approve the addition of Phillip P. Lundquist as Superintendent to the existing On-Site Retail Unrestricted Liquor License for Asian Pacific Group, LLC dba Sunridge Golf Club represented by ShuHai Li, owner. Phillip P. Lundquist has signed a Waiver of Notice of Hearing. Sunridge Golf Club is located at: 1000 Long Drive, Carson City, NV 89705. (Sergeant Pat Brooks)

MOTION to approve;

2o. For possible action. Discussion to approve the addition of David Rouse, Bradley Fox, Robert Gordon and Robert Edwards to the existing Packaged Retail Liquor License with Restricted Gaming for Safeway, Inc. dba Safeway #1537, located at 212 Elks Point Road, Zephyr Cove, Nevada. All four gentlemen have signed a Waiver of Notice of Hearing. (Sergeant Pat Brooks)

MOTION to approve;

TECHNOLOGY SERVICES

2p. For possible action. Discussion to approve a Site Use Agreement between Hard Rock Hotel and Casino and Douglas County Communications to allow Douglas County to install radio equipment on Hard Rock Hotel and Casino property for purposes of emergency communications by County personnel. (Tammy James)

MOTION to approve;

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REPORT OF FEES

2q. For possible action. Discussion to approve March 31, 2015 Report of Fees from the Recorder's Office. (Karen Ellison)

MOTION to approve;

2r. For possible action. Discussion to approve receipt of the Douglas County Clerk's report of fees for the month of March 2015. (Kathy Lewis)

MOTION to approve;

2s. For possible action. Discussion to approve receipt of Tahoe General Services Report of Revenue and Transactions for the month of March 2015. (Kathy Lewis)

MOTION to approve;

2t. For possible action. Report on general ledger cash balances through April 10, 2015 per NRS 251.030. (Katherine Bradshaw)

MOTION to approve;

2u. For possible action. Discussion to approve receipt of DMV Report of Revenue and Transactions for the month of March 2015. (Kathy Lewis)

MOTION to approve;

MOTION; carried unanimously.

ADMINISTRATIVE AGENDA

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

Any item(s) pulled from the Consent Calendar will be heard at this time.

AIRPORT

3. Presentation on the Minden-Tahoe Airport State of the Airport highlighting the past five years and taking a look towards the future. (Bobbi Thompson)

Bobbi Thompson, Airport Manager, provided a presentation highlighting the past 5 years at the Airport. She gave a summary of past, current and future projects and activities. Projects include: the East Side Development and the Perlan II project. The activities include: Annual Education Day; Young Eagles Flights; Fire Bomber and

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Military Training just to name a few. She also mentioned some Douglas High School students were assembling a plane from a kit in a hanger at the Airport.

Chairman Johnson stated he never envisioned being this far with the Airport and thanked everybody involved.

Commissioner Lynn stated the Airport is a great success and thanked Ms. Thompson for the great presentation.

Commissioner Penzel stated he agrees with what everybody else has said.

Ms. Thompson gave credit to her staff, County Manager and the Board for helping with the success.

Vice Chairwoman McDermid wanted to thank Ms. Thompson for all the success.

This was a presentation only.

COUNTY MANAGER

4. Presentation and update on the progress of the Tremendous Trails Economic Vitality project. (Debra Lang & Carlo Luri)

Carlo Luri and Debra Lang, Champions for the Tremendous Trail Initiative of the Douglas County Economic Vitality Program, are working on developing outdoor recreation amenities.

Ms. Lang discussed the program's Vision, Goal and Objectives. The Vision: to develop the finest network of marked and maintained trails in North America. The Goal: build a sustainable community by making it easy and inviting for residents and visitors to connect to the many types of outdoor activities in Douglas County. The Objectives: connect residents and visitors both physically and virtually to an accessible network of neighborhood paths, adventure trails, & other outdoor recreation opportunities and to be recognized by tourism and event planners as a destination with one of the finest trail networks in the United States.

Mr. Luri discussed the Focus Areas. This is to provide non-motorized multi-use recreational trails and paths; recreational trails for OHV user; water trails and outdoor sports & activities. He mentioned the many partners they have with Non-profits, the business community and Government agencies. Mr. Luri touched on some of the Successes they have had which include: County recreational trail inventory 50+ miles; CVTA Trail Openings & Events; CVVA brochures, maps & video series; Walley's & River Fork Ranch Trails; and Stateline to Stateline Demonstration Trail. Mr. Luri then went on to discuss the upcoming Priorities which include: Martin

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Slough Trail; Stateline Demonstration; Clear Creek Trailhead Easement; Juniper Loop Trail; Ranchos to Lampe; Pony Express Trail and County Bike Plan.

Ms. Lang thanked the Douglas County Parks and Recreation Department for all their hard work. She stated there are measurable benefits related to outdoor recreation and while these opportunities might be free people who use them spend money at businesses within the County. So there is economic value to every single addition and current project. They look forward to reporting future successes back to the Board.

A.J. Frels, Carson Valley Visitors Authority, commented outdoor activity is a key part to promoting the Carson Valley. The Carson Valley offers raw, wide open adventure and is all about authentic adventure. While attending tourism conferences they have heard people mention they are looking for the real deal or real adventure and that's what the Carson Valley has to offer. He stated the Carson Valley Visitors Authority produces 125,000 rack cards annually and distributes them to 1458 racks within California and Nevada. He mentioned the Trails brochure is asked for more often than any other brochure on display.

Bill Henderson, Carson Valley Inn, stated there has been a noticeable difference in what they observe and hear from their guests in regards to outdoor recreation. They have more people asking about the outdoor activities in our area. Anything that is outdoor recreation benefits the businesses in the County. He asked the Board to get the Martin Slough Trail done as soon as possible.

This was a presentation and update only.

EAST FORK BOARD OF FIRE COMMISSIONERS

5. For possible action. Discussion on the adoption of Resolution 2015R-041 which updates the 2015 East Fork Fire District Incident Reimbursement and Restitution Rate Schedules effective May 8, 2015, through April, 2, 2016. (David Wm. Fogerson)

Chief David Fogerson, East Fork Fire District, explained he was going to consolidate Items 5 and 6 in one discussion. After the meeting last month to approve these rates California Office of Emergency Services asked for a joint meeting with all the Nevada Departments which are signatures to their Mutual Aid Agreement. California decided to rewrite their Mutual Aid Agreement that includes all the municipalities in California along with all Federal Government Agencies so it becomes the largest Mutual Aid Agreement in the United States; it drives all the other Mutual Aid Agreements. After the meeting they came back and reviewed their rates and procedures to make sure they followed what California wanted. Using new formulas they had to increase rates to make sure they covered direct and indirect costs for East Fork. Item 6 ties in with this because California also requires Douglas County has a Resolution saying they provide portal to portal pay for their employees.

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No public comment.

Commissioner Lynn requested in the future that East Fork Fire provide the old rates along with the requested new rates.

MOTION by McDermid/Lynn to adopt Resolution 2015R-041; carried unanimously.

6. For possible action. Discussion on the adoption of Resolution 2015R-042 in which East Fork Fire District will compensate its employees in accordance with the contractual binding agreement and Fair Labors and Standards Act in portal to portal and overtime functions when assigned to off-district incidents. (David Wm. Fogerson)

Chief David Fogerson, East Fork Fire District, commented this follows along with Item 5 and states they will follow the law and California does require for their Automatic and Mutual Aid Agreements that we have a Board adopted Resolution that says East Fork Fire will follow the law.

No public comment.

MOTION by Penzel/McDermid to adopt Resolution 2015R-042 in which East Fork Fire District will compensate its employees in accordance with the contractual binding agreement and Fair Labors and Standards Act in portal to portal and overtime functions when assigned to off-district incidents; carried unanimously.

7. For possible action. Discussion on the introduction of Ordinance 2015-1437 adding Chapter 18.15 – “Ambulance Service Districts” to Title 18 – “Town Annexation and Service Districts” of the Douglas County Code to grant the East Fork Fire Protection District and the Tahoe Douglas Fire Protection District the exclusive right to provide ambulance and related advanced emergency medical technician or paramedic care services within their respective district boundaries, and to provide for other properly related matters. (1st Reading) (Dave Wm. Fogerson)

Chief David Fogerson, East Fork Fire District, stated this Ordinance is necessary due to a change in the organizational structure at East Fork Fire and Paramedic Districts. As everybody is aware the Paramedic District is being dissolved effective July 1, 2015. When the Paramedic District was in place East Fork enjoyed the protection of being the exclusive provider for EMS transport services within the jurisdiction. When the District goes away July 1, 2015 that protection does not exist for the Fire District. Tahoe Douglas and East Fork Fire Districts have discussed how to obtain that same kind of protection. They looked for language; spoke with the District Attorney's Office; and found the Ordinances for Carson City, Washoe County and Clark County. These Ordinances are the same that they are proposing in the Ordinance before the Board today. Chief Fogerson went on to explain what they are looking for is the ability for

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the Board to designate who is the transport providers in order to protect public safety. The concern is anybody could come into the jurisdiction and there would be no control over response times or staffing levels. By putting the Ordinance into place they would have that control. It provides for others to come in and provide service as long as East Fork Fire is aware they are there so it doesn't exclude anyone but gives them the first right of refusal.

Chief Tim Allison, Tahoe Douglas Fire District, stated in the April Board of Trustees meeting for the Tahoe Douglas Fire Protection District the Resolution (1-2015), that pretty much mirrors this Ordinance, was passed. The intent is not to disrupt or cause any problems for private enterprises it's just to know who those people are; that they follow the same permitting process that we are required to do and they are certified in the State of Nevada.

Commissioner Penzel stated his concern with the Ordinance is the term "exclusivity". He believes when government issues an exclusive right for anything it negates the opportunity for commercial businesses to compete for that. It also fixes the price. Commissioner Penzel's original thought was if there was competition that the competition could take the lower cost and most inefficient runs. However, this is the best agreement and wording we can come up with at this time.

Commissioner Thaler stated he appreciated the standard that the Fire District sets for the service that keeps us safe. He commented he's not worried about the private sector coming in and working the lower runs.

No public comment.

MOTION by Lynn/Thaler to introduce Ordinance 2015-1437 adding Chapter 18.15 – "Ambulance Service Districts" to Title 18 – "Town Annexation and Service Districts" of the Douglas County Code to grant the East Fork Fire Protection District and the Tahoe Douglas Fire Protection District the exclusive right to provide ambulance and related advanced emergency medical technician or paramedic care services within their respective district boundaries, and to provide for other properly related matters; carried unanimously.

8. For possible action. Discussion on the approval of a Cost Allocation/Recovery Agreement between Douglas County and East Fork Fire Protection District, in the amount of \$332,355, to be included in the FY 2015-16 Budget. (Tod Carlini)

This Item was pulled from the Agenda indefinitely.

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EAST FORK FIRE PROTECTION DISTRICT

9. For possible action. Discussion on the approval of a Cost Allocation/Recovery Agreement between Douglas County and East Fork Fire Protection District, in the amount of \$332,355, to be included in the FY 2015-16 Budget. (Tod Carlini)

This Item was pulled from the Agenda indefinitely.

COMMUNITY SERVICES

10. For possible action. Discussion to approve the phased improvement plan for Johnson Lane Park located on Stephanie Lane in North Douglas County including the following improvements to be constructed in this priority order as funding allows: Priorities 1) restroom remodel, landscaping, new large group pavilion - in addition to the existing pavilion to be saved if possible; 2) new playground equipment with tot lot and preteen equipment; 3) two unlit tennis courts with pickleball overlay; 4) picnic areas with tables and barbecue grills and horseshoe pits; 5) dog park -large dog and small dog; 6) half-court basketball facility; 7) disc golf course; and 8) second half-court basketball facility. (Scott Morgan)

Scott Morgan, Community Services Director, stated this is a phased improvement plan. Meetings were held and residents were asked what kind of improvements they would like to see in the park. Parks and Recreation has wanted to improve this park for almost 10 years but have been delayed due to confusion over the FEMA Flood Plain maps. The maps have been resolved so they are ready to move on the improvements. There will be no impacts on drainage or water.

Mr. Morgan provided an overview of the project with a conceptual site plan. They will complete the improvements in order of importance as the funding allows. They will start with the Tot Lot and work down to miscellaneous landscaping.

Commissioner Thaler asked when the Construction Tax comes in does revenue get earmarked for the area it is in or does it apply across the board. Mr. Morgan responded it is collected in 4 different areas and it can only be used in the area it is collected in. Commissioner Thaler then asked how long it took to build up the money for these improvements. Mr. Morgan responded over 10 years.

Commissioner Lynn wanted to make sure that Douglas County would not run into the same issues that Reno did with its dog park. Mr. Morgan responded the dog park will not be a turf dog park. The County did not want to take on another project to maintain.

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Commissioner Penzel wanted to thank Debra Lang and Scott Morgan on the excellent job they did getting this all put together. He also thought Staff did a superb job at answering questions.

Vice Chairwoman McDermid wanted to know in terms of operation and maintenance if it's an impact on their budget. Mr. Morgan responded on the annual on-going it is not. The only thing in the future that does cause periodic expense is when they repair the cracks and put color down on the two tennis courts. Mr. Morgan also mentioned the existing bathrooms. He stated the manufacture, who happens to be local, has offered to help with the improvements to the bathrooms. Vice Chairwoman McDermid then wanted to know if the detention basins typically have water in them. Mr. Morgan responded no they are not developed. They are flow through basins.

No public comment.

MOTION by Penzel/McDermid to approve the phased improvement plan for Johnson Lane Park located on Stephanie Lane in North Douglas County including the following improvements to be constructed in this priority order as funding allows: Priorities 1) restroom remodel, landscaping, new large group pavilion - in addition to the existing pavilion to be saved if possible; 2) new playground equipment with tot lot and preteen equipment; 3) two unlit tennis courts with pickleball overlay; 4) picnic areas with tables and barbecue grills and horseshoe pits; 5) dog park -large dog and small dog; 6) half-court basketball facility; 7) disc golf course; and 8) second half-court basketball facility; carried unanimously.

11. For possible action. Discussion to adopt Resolution 2015R-040 to donate four modular, removable buildings, valued at \$81,474, that formerly comprised the Recreation Annex of the Douglas County Parks and Recreation Department located at 1321 Waterloo Lane Gardnerville, to the Douglas County School District. (Scott Morgan)

Scott Morgan, Community Services Director, stated he was available for any questions on this Resolution.

Vice Chairwoman McDermid asked if the buildings are going to be removed from where they are currently located. Mr. Morgan responded that is correct. They will be relocated by the Carson Valley Middle School and will house Aspire. Vice Chairwoman McDermid then asked if there was vacant land under the buildings. Mr. Morgan responded there is a parking lot that they will recapture and use for the Parks Cooperation yard.

No public comment.

MOTION by Thaler/McDermid to adopt Resolution 2015R-040 to donate four modular, removable buildings, valued at \$81,474, that formerly comprised the

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Recreation Annex of the Douglas County Parks and Recreation Department located at 1321 Waterloo Lane Gardnerville, to the Douglas County School District; carried unanimously.

COMMUNITY DEVELOPMENT

12. For possible action. Discussion on the adoption of Ordinance 2015-1434 amending Douglas County Code Title 18: Appendix C, amending the Gardnerville Town Boundary by annexing three separate areas, totaling approximately 2.632 acres within the Minden/Gardnerville Community Plan, as requested by the Town of Gardnerville. The request includes all of APN 1220-10-501-002, and a portion of APN 1220-10-501-004 located at the northeasterly terminus of Virginia Ranch Road, and a portion of the public right of way on Muller Parkway, approximately 420 feet east of Virginia Ranch Road. The subject properties are located in the CF (Community Facilities), A-19 (Agricultural, 19 acre minimum parcel size) zoning districts, and public right of way (2nd Reading) (Emery Papp)

Mimi Moss, Community Development Director, stated Staff is recommending adoption of the Ordinance as presented. She wanted to note the exhibit to the legal description showed the incorrect APNs but the title information for the Ordinance is correct and the District Attorney's Office has advised the Board can move forward with adoption today.

No public comment.

MOTION by McDermid/Lynn to adopt Ordinance 2015-1434 (ref. DA 15-012), requested by the Town of Gardnerville, annexing 2.632 acres into the Town of Gardnerville; carried unanimously.

13. For possible action. Discussion on the adoption of Ordinance 2015-1433 (ref. DA 15-009), a Zoning Text Amendment, initiated by the Community Development Department (1) to amend the Douglas County Development Code, Section 20.658.020 *Permitted, development permitted, and special use permit* (Table) to create the use *Renewable Energy Generation* and allow it subject to a Special Use Permit in the PF (Public Facilities) zoning district, and to add Footnote 9 in reference to Above Ground Utility projects located within a County adopted Utility Corridor to require design review; (2) to amend Section 20.660.130 *Utility and Public Service Uses* adding *Renewable Energy Generation* use; and (3) to amend Appendix A to include a definition of Aboveground Utility Projects, as required by NRS 278.26503. (2nd Reading) (Hope Sullivan)

Hope Sullivan, Planning Manager, provided background on the Ordinance and explained the Ordinance was necessary to comply with State law. She commented

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since the introduction of the Ordinance there have been some minor changes based on recommendations made by the District Attorney's Office. Staff is recommending adoption of the Ordinance.

Vice Chairwoman McDermid wanted to know if we were able to have the right criteria so it doesn't impact or negate our Master Plan. Cynthea Gregory, Deputy District Attorney, responded what the Legislature required is the County establish a process for issuing a Special Use Permit for this particular use. They also give you the flexibility to identify what the application requirements are as well as development standards. Ms. Gregory doesn't believe the Master Plan would have to be amended unless the Master Plan said no renewable energy at all. However, that would be contrary to NRS provisions already in existence. Vice Chairwoman McDermid then asked if we were satisfied there was enough protective criteria in the Ordinance so if something comes forward we have enough review capability. Ms. Sullivan responded there are 3 components and she would speak to 2 of them. The first is Renewable Energy Generation. This is only allowed with a Special Use Permit so you would need to make Findings of Fact including the Finding of consistency with the Master Plan; impacts on neighboring properties; and compatibility. So the process would dictate compatibility. The third component says if you have an Above Ground Utility Project and if it is an adopted utility corridor we have to allow it subject to design review.

Commissioner Penzel commented the map shows a utility corridor coming down somewhere near Ray May Drive and Topaz Ranch Estates. If a company came in and wanted to put in a solar farm feasibly they could stretch it out 260 acres through the entire utility corridor. Ms. Sullivan responded yes and no. She explained the transmission lines are what can go in the corridor not photovoltaic panels. The only way the panels could go in is if they have the appropriate zoning; comply with all of our rules; and is subjected to a Special Use Permit. Commissioner Penzel asked this only covers the lines themselves and not the ground underneath. Ms. Sullivan responded that is correct. What the State said is if the corridor exists we have to include the corridor in our Master Plan and should there be a request for the Above Ground Utility Project we cannot subject it to a Special Use Permit.

Commissioner Lynn believes we are providing a way for a company to get the power from the solar panels to the grid with the utility corridors. Ms. Sullivan responded the State has mandated that we make it easier to put in the transmission lines when they comply with State definition and they are in a designated utility corridor.

Vice Chairwoman McDermid wanted to know if a private enterprise could have a utility corridor. Ms. Sullivan responded she believes a private enterprise could. It doesn't identify who can operate or own, the criteria is limited to the sizing, the date of construction and who authorized or approved it. Vice Chairwoman McDermid asked who approves a utility corridor. Ms. Sullivan responded according to the definition the approval is by a State, Federal or governing body.

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PUBLIC COMMENT

Carlo Luri was wondering since this was passed in 2013 why are we just hearing it now? Ms. Sullivan responded we were required to have this in place by January 1, 2015. An Ordinance was brought forward to the Board and there was a suggestion by the Board to make Renewable Energy Generation its own use to make it clear. This caused a delay.

MOTION by McDermid/Lynn to adopt Ordinance 2015-1433 based on the ability to make the required Findings as stated in the Staff report; carried unanimously.

14. For possible action. Discussion on the adoption of Resolution 2015R-039 imposing a temporary moratorium on Solar Photovoltaic Facilities and temporarily prohibiting the County from accepting any applications or requests to operate, permit or license any such facilities with the exception of the pending request for a Solar Photovoltaic Facility at 760 Muller Lane as said application was submitted prior to consideration of the moratorium. (Hope Sullivan)

Hope Sullivan, Planning Manager, stated on September 4, 2014 the Board adopted Ordinance 2014-1416 making provisions for Solar Photovoltaic Facilities as a primary use in certain zoning districts and subject to a Special Use Permit and supplemental standards. Staff is recommending placing a moratorium on Solar Photovoltaic Facilities as a primary use for 180 days. Staff believes there is value to re-evaluating and assessing regulations; reviewing what zoning districts they are allowed in; and what standards are applied as related to these facilities. Ms. Sullivan explained what all this means; it means bringing back an Ordinance that has been vetted as much as possible; conducting public meetings to solicit input; solar energy as an accessory use could continue and the project at 760 Muller Lane would continue to be reviewed. Ms. Sullivan commented the Board cannot "op-out" there will need to be regulations to allow this use. She went on to discuss the process that would follow if the Resolution is adopted. She then provided her recommendation which is for the Board to adopt Resolution 2015R-039.

Vice Chairwoman McDermid asked if the 180 days could be extended if the Planning Department needed more time. Ms. Sullivan responded it can be extended an additional 180 days.

Commissioner Thaler asked Ms. Sullivan what the issues are from her perspective. Ms. Sullivan responded they have gotten a little smarter since the Ordinance was adopted, we understand better the role of the substation, the location, the location criteria, the sizing, the noise impact and feel they need to revisit the zoning districts where they are allowed.

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Commissioner Lynn stated in the process of researching both of the applications for a solar facility he has learned a lot of things; one of those being the rules that regulate power transmission. He feels they are going to find more references that impact this than they have found so far. He also believes Douglas County should receive some benefits from these facilities.

Commissioner Penzel suggested a substation in southern Douglas County might be an advantage for the County but at this point he hasn't seen any advantages for the residents or the County.

PUBLIC COMMENT

Dan Aynesworth commented he fully supports the moratorium and reconstructing the current Ordinance. He stated filling the middle of the Valley with photovoltaic plants is not what most people want. He believes everybody is for property rights and most are for green energy but all that comes in a proper package and on agricultural land is not the property location. Need is another important component and we don't need it. Please don't let the Carson Valley be the power producer for California.

Mary Walker commented they support the moratorium to give staff time to get more public input. Solar industrial plants in the Carson Valley have long ranging consequences. The United States Environmental Protection Agency (USEPA) has given guidance to other communities and they are saying to place these projects on already contaminated land. Even though panels are sealed if they are damaged the metals can leach into the ground water. She urges the Board to approve the moratorium and also look at adopting sustainable land development strategies as recommended by the USEPA.

Lee Rathman urges the Board to take a time out and get more information out to the public so they can express their feelings and thoughts.

Carlo Luri believes putting in a moratorium is in direct conflict with the Ordinance. He asked the Board to not implement the moratorium. He doesn't think 6 months will bring any new information regarding solar projects and time is money for businesses. He stated there are Request For Proposals (RFPs) out there that are time sensitive and a 6 month moratorium will close the door for Douglas County. There is also a tax credit that will end in 2016. He believes there are benefits to Douglas County; one being tax revenue. He challenged Ms. Walker to show any land that has been contaminated by solar panels leaching into the ground water.

Bob Ballou commented he believes the tax credit will be renewed by the Federal Government. He doesn't believe there will be an issue. He stated he has mentioned before that somebody should talk to DCSID about putting panels on their property which is already contaminated and out of sight. He supports the moratorium and

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believes there is more to learn. He thinks an Environmental Impact Study would be helpful and should be a requirement for a SUP.

Franklin "Harry" Ernest stated he loves it here and regards solar windfarms a hobby because it's not economical. He suggested putting it on BLM land.

Public comment closed.

Cynthea Gregory, Deputy District Attorney, wanted to caution the Board about discriminating against the renewable energy going to California. She stated there is the Interstate Commerce Clause that gives Congress the authority to regulate interstate but there is also the Dormant Commerce Clause that says States and local municipalities cannot discriminate against Commerce. Ms. Gregory commented she's been in touch with the Nevada Public Utilities Commission and when they first looked at their renewable energy plan there was a requirement that the renewable energy had to stay in Nevada. The PUC has removed that due to concerns with the Dormant Commerce Clause. She wanted to provide that information so the public and the Board understood there are some Constitutional ramifications depending on the language that is used.

Vice Chairwoman McDermid stated if this project was presented in the Tahoe Basin it would never meet all 15 thresholds, 2 of which are scenic and noise. Those alone would stop the project. She commented we do have a Master Plan and what concerns her most about this project is the impact it has on the Goals and Policies of the Master Plan. We need to vet things very carefully against the Master Plan's Goals and Policies and make sure we are not impacting those Goals and Policies in a negative way. There is also the concern of the impact to wildlife. Vice Chairwoman McDermid commented even though I might own property I can't do whatever I want with it. I would have to meet design standards, county codes, and many other things.

Chairman Johnson agreed with everything Vice Chairwoman McDermid said.

Commissioner Lynn commented he understands the Interstate Commerce Clause but the issue is due to a Legislative requirement in another state. We are being asked to potentially compromise the quality of life in our state.

Commissioner Thaler agrees this needs to be vetted. It doesn't matter what side you are on you can make an argument for and against renewable energy. He believes it's going to be very interesting to go out in the public and try and get a cross section of what Douglas County really wants.

Commissioner Penzel thinks the contamination issues is detracting from the overall issue, which is this the proper location for renewable energy. He stated when they were first discussing the Ordinance they considered all the zones not knowing somebody would try to put solar farm right next to a bunch of houses. Commissioner

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Penzel commented the cost of doing business is important to the businesses but the Board has to do what's right for the entire residency of Douglas County.

MOTION by McDermid/Lynn to adopt Resolution 2015R-039 imposing a temporary moratorium on Solar Photovoltaic Facilities and temporarily prohibiting the County from accepting any applications or requests to operate, permit or license any such facilities; carried unanimously.

15. For possible action. Discussion on the introduction of Ordinance 2015-1436 a zoning text amendment to amend Douglas County Code (DCC), Chapter 20.01 by placing a temporary moratorium on Solar Photovoltaic Facilities as a primary use, designating Solar Photovoltaic Facilities as a prohibited use per Title 20 and temporarily prohibiting the County's acceptance and consideration of any and all land use applications, development permits, business license applications, building permit applications and any other application or request to operate or otherwise license or permit any Solar Photovoltaic Facilities; and other properly related matters. (1st Reading) (Hope Sullivan)

Hope Sullivan, Planning Manager, stated she has already explained the why in Item 14 but she wanted to discuss the amount of time. She explained the 180 days is mostly procedural time. Should they identify a need to change the Ordinance they would need to go before the Planning Commission first and then bring to the Board for two separate readings. Ms. Sullivan wanted to discuss the process they would use to receive input on this. They would start with the Planning Commission as a forum for public input and then go to the Town GIDs to solicit input from the residents who can't attend a Planning Commission meeting. Ms. Sullivan stated she is open to suggestions if the Board feels there is an alternative process. She then recommended introduction of Ordinance 2015-1436.

Chairman Johnson wanted to know if they needed to discuss all the recommendations right now. Cynthea Gregory, Deputy District Attorney, responded she thought staff was seeking direction on whether or not the Board thinks the public outreach is a good idea. She noted that in Section 3 of the Ordinance it says "not to exceed 180 days", this will be corrected to read "not to exceed 360 days". This does not affect the Title or the Summary.

Vice Chairwoman McDermid suggested a public workshop or meeting at the Community Center and working with the Towns to put on their meeting agenda so it is a public hearing. She thought this might save some time and energy by the Planning Department.

Commissioner Penzel commented these Photovoltaic farms will not go into small towns or GIDs so places like Topaz Ranch Estates should be included in the meetings.

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Commissioner Thaler stated he is encouraged in the process and he believes everything that has been said at the meeting should be included in the process. He also thinks including businesses that might be thinking about doing a solar farm would be a good idea. He encouraged getting as much public input as we can.

PUBLIC COMMENT

Franklin "Harry" Ernest stated he thinks all the above mentioned ideas are good but he believes a can of worms is being opened. He commented they should stick within the rules they already have and not reinvent the wheel.

Public comment closed.

MOTION by McDermid/Penzel to introduce Ordinance 2015-1436.

COUNTY MANAGER

16. For possible action. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues that may impact Douglas County as may be deemed by the Board of County Commissioners.

Vice Chairwoman McDermid mentioned they are constantly monitoring Bills that have an impact on the County. She commented Chairman Johnson is monitoring Bills through NACo and she & Commissioner Lynn through the Legislative Coalition.

No public comment.

17. Reports/updates from County Commission members concerning the various boards and/or commissions that they may be a member of or a liaison to or meetings/functions they have attended. These boards/commissions/meetings include but are not limited to the: Nevada Association of Counties; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber of Commerce, Carson Valley Visitors Authority; Tahoe Douglas Visitors Authority; Lake Tahoe South Shore Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District, and the Debt Management Commission. There will be no discussion or action taken on these reports/updates.

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Commissioner Thaler commented on June 11, 2015 is the Carson Valley Days Golf Tournament and the County is putting together a team. He asked for volunteers and Vice Chairwoman McDermid said she would be on the team.

Commissioner Lynn mentioned a project that had been built on the V-Line Ditch in Fallon, Nevada to provide low head irrigation that failed. His concern is the County is contemplating some similar projects on the Carson River and he just wants everybody to be cautious.

Vice Chairwoman McDermid commented that last Friday Chairman Johnson, Jim Nichols and she attended Leaving a Legacy. She thought it was a very positive meeting of public, private and non-profits and they plan on meeting again. She also mentioned the Womens' AMGEN tour was this weekend.

Chairman Johnson commented the Big Mama's Car Show was this weekend also.

PUBLIC COMMENT

Bob Ballou wanted to caution the Commissioners on entry fees for the golf tournament.

Public comment closed.

CLOSING PUBLIC COMMENT (No Action)

There being no further business to come before the Board, the meeting adjourned at 3:57 p.m.

Respectfully submitted:

Doug N. Johnson, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer